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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,061	12/11/2003	Yoshitsugu Kitada	17285	9012
23389	7590	09/16/2005	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			CHIANG, JACK	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 09/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,061

Applicant(s)

KITADA, YOSHITSUGU

Examiner

Jack Chiang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/11/03, 5/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Naokazu (GB 2358318 A).

Regarding claim 1, Naokazu shows a foldable phone (figs. 1-2) comprising:

A foldable body (1-2);

A main operation unit (10-13);

A main display (8);

A sub-display (4) which is viewable in a folded state (fig. 1b);

Communication controlling means (5-7);

The main operation unit and the main display (10-13, 8) are on inner sides of the body;

The sub-display (4) displays data retained in the phone (1-2);

The communication controlling means (5-7) is operated when the phone is folded (fig.

1b), and performs controlling for display on the sub-display (4, page 13 in Naokazu),

and controlling of communications of the data displayed on the sub-display (4, page 13 in Naokazu).

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Regarding claims 2-3, 5, 15, Naokazu shows:

The communication controlling means includes a plurality of buttons (5-7);

The buttons (5-7) are around the sub-display (4);

The shapes of the buttons (5-7) differ according to functions;

The display (40) on the outside in the folded state (fig. 1b).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4, 6-7, 9-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naokazu in view of Moriki (US 2002/0146989 A1).

Regarding claim 4, Naokazu shows the buttons (5-7).

Naokazu differs from the claimed invention in that it does not show buttons on the side surface.

However, Moriki teaches providing a button which functions as a multi-button operation on the side surface of the device.

Hence, it would have been obvious for one of ordinary in the art to modify Naokazu with buttons on the side surface as taught by Moriki, such that it allows the user to perform a simple connecting operation and shorten time required for connection (page 1, paragraph 0011 in Moriki).

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Regarding claims 6-7, 9-12 and 14, the combination of Naokazu and Moriki shows:

The buttons (5-7 in Naokazu; 5, 20-22 in Moriki) which can be used to select/register mail, schedule and other functions (see Moriki).

5. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naokazu in view of Makelaet et al. (US 6501967).

Regarding claims 8 and 13, Naokazu shows the buttons and their various functions.

Naokazu differs from the claimed invention in that it does not show buttons which plays a ring tone.

However, Makelaet teaches providing buttons which play a ring tone (see Abstract).


Hence, it would have been obvious for one of ordinary skill in the art to modify Naokazu with buttons which play a ring tone as taught by Makelaet, such that ring tone can be programmed and reproduce according to the need of the user (see Abstract in Makelaet).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642